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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for temporary protected status for residents of Hong Kong, and  
for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. MALINOWSKI introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide for temporary protected status for residents of  
Hong Kong, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Hong Kong People’s  
5       Freedom and Choice Act of 2021”.

6       **SEC. 2. DEFINITIONS.**

7       For purposes of this Act:

8               (1) **JOINT DECLARATION.**—The term “Joint  
9       Declaration” means the Joint Declaration of the

1 Government of the United Kingdom of Great Britain  
2 and Northern Ireland and the Government of the  
3 People's Republic of China on the Question of Hong  
4 Kong, signed on December 19, 1984, and entered  
5 into force on May 27, 1985.

6 (2) PRIORITY HONG KONG RESIDENT.—The  
7 term “Priority Hong Kong resident” means—

8 (A) a permanent resident of Hong Kong  
9 who—

10 (i) holds no right to citizenship in any  
11 country or jurisdiction other than the Peo-  
12 ple's Republic of China (referred to in this  
13 Act as “PRC”), Hong Kong, or Macau as  
14 of the date of enactment of this Act;

15 (ii) has resided in Hong Kong for not  
16 less than the last 10 years as of the date  
17 of enactment of this Act; and

18 (iii) has been designated by the Sec-  
19 retary of State or Secretary of Homeland  
20 Security as having met the requirements of  
21 this subparagraph, in accordance with the  
22 procedures described in section 7 of this  
23 Act; or

24 (B) the spouse of a person described in  
25 subparagraph (A), or the child of such person

1 as such term is defined in section 101(b)(1) of  
2 the Immigration and Nationality Act (8 U.S.C.  
3 1101(b)(1)), except that a child shall be an un-  
4 married person under twenty-seven years of  
5 age.

6 (3) HONG KONG NATIONAL SECURITY LAW.—

7 The term “Hong Kong National Security Law”  
8 means the Law of the People’s Republic of China on  
9 Safeguarding National Security in the Hong Kong  
10 Special Administrative Region that was passed  
11 unanimously by the National People’s Congress and  
12 signed by President Xi Jinping on June 30, 2020,  
13 and promulgated in the Hong Kong Special Admin-  
14 istrative Region (referred to in this Act as “Hong  
15 Kong SAR”) on July 1, 2020.

16 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term “appropriate congressional com-  
18 mittees” means—

19 (A) the Committee on Foreign Affairs and  
20 the Committee on the Judiciary of the House of  
21 Representatives; and

22 (B) the Committee on Foreign Relations  
23 and the Committee on the Judiciary of the Sen-  
24 ate.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The Hong Kong National Security Law pro-  
4 mulgated on July 1, 2020—

5 (A) contravenes the Basic Law of the  
6 Hong Kong Special Administrative Region (re-  
7 ferred to in this Act as “the Basic Law”) that  
8 provides in Article 23 that the Legislative  
9 Council of Hong Kong shall enact legislation re-  
10 lated to national security;

11 (B) violates the PRC’s commitments under  
12 international law, as defined by the Joint Dec-  
13 laration; and

14 (C) causes severe and irreparable damage  
15 to the “one country, two systems” principle and  
16 further erodes global confidence in the PRC’s  
17 commitment to international law.

18 (2) On July 14, 2020, in response to the pro-  
19 mulgation of the Hong Kong National Security Law,  
20 President Trump signed an Executive order on  
21 Hong Kong normalization that, among other policy  
22 actions, suspended the special treatment of Hong  
23 Kong persons under U.S. law with respect to the  
24 issuance of immigrant and nonimmigrant visas.

25 (3) The United States has a long and proud  
26 history as a destination for refugees and asylees flee-

1       ing persecution based on race, religion, nationality,  
2       political opinion, or membership in a particular so-  
3       cial group.

4           (4) The United States also shares deep social,  
5       cultural, and economic ties with the people of Hong  
6       Kong, including a shared commitment to democracy,  
7       to the rule of law, and to the protection of human  
8       rights.

9           (5) The United States has sheltered, protected,  
10      and welcomed individuals who have fled authori-  
11      tarian regimes, including citizens from the PRC fol-  
12      lowing the violent June 4, 1989, crackdown in  
13      Tiananmen Square, deepening ties between the peo-  
14      ple of the United States and those individuals seek-  
15      ing to contribute to a free, open society founded on  
16      democracy, human rights, and the respect for the  
17      rule of law.

18          (6) The United States has reaped enormous  
19      economic, cultural, and strategic benefits from wel-  
20      coming successive generations of scientists, doctors,  
21      entrepreneurs, artists, intellectuals, and other free-  
22      dom-loving people fleeing fascism, communism, vio-  
23      lent Islamist extremism, and other repressive  
24      ideologies, including in the cases of Nazi Germany,

1 the Soviet Union, and Soviet-controlled Central Eu-  
2 rope, Cuba, Vietnam, and Iran.

3 (7) A major asymmetric advantage of the  
4 United States in its long-term strategic competition  
5 with the Communist Party of China is the ability of  
6 people from every country in the world, irrespective  
7 of their race, ethnicity, or religion, to immigrate to  
8 the United States and become American citizens.

9 **SEC. 4. STATEMENT OF POLICY.**

10 It is the policy of the United States—

11 (1) to reaffirm the principles and objectives set  
12 forth in the United States-Hong Kong Policy Act of  
13 1992 (Public Law 102–383), namely that—

14 (A) the United States has “a strong inter-  
15 est in the continued vitality, prosperity, and  
16 stability of Hong Kong”;

17 (B) “support for democratization is a fun-  
18 damental principle of United States foreign pol-  
19 icy” and therefore “naturally applies to United  
20 States policy toward Hong Kong”;

21 (C) “the human rights of the people of  
22 Hong Kong are of great importance to the  
23 United States and are directly relevant to  
24 United States interests in Hong Kong and

1           serve as a basis for Hong Kong’s continued eco-  
2           nomic prosperity’; and

3           (D) Hong Kong must remain sufficiently  
4           autonomous from the PRC to “justify treat-  
5           ment under a particular law of the United  
6           States, or any provision thereof, different from  
7           that accorded the People’s Republic of China”;

8           (2) to continue to support the high degree of  
9           autonomy and fundamental rights and freedoms of  
10          the people of Hong Kong, as enumerated by—

11           (A) the Joint Declaration;

12           (B) the International Covenant on Civil  
13           and Political Rights, done at New York Decem-  
14           ber 19, 1966; and

15           (C) the Universal Declaration of Human  
16           Rights, done at Paris December 10, 1948;

17           (3) to continue to support the democratic aspi-  
18           rations of the people of Hong Kong, including the  
19           “ultimate aim” of the selection of the Chief Execu-  
20           tive and all members of the Legislative Council by  
21           universal suffrage, as articulated in the Basic Law;

22           (4) to urge the Government of the PRC, despite  
23           its recent actions, to uphold its commitments to  
24           Hong Kong, including allowing the people of Hong  
25           Kong to govern Hong Kong with a high degree of

1       autonomy and without undue interference, and en-  
2       suring that Hong Kong voters freely enjoy the right  
3       to elect the Chief Executive and all members of the  
4       Hong Kong Legislative Council by universal suf-  
5       frage;

6           (5) to support the establishment of a genuine  
7       democratic option to freely and fairly nominate and  
8       elect the Chief Executive of Hong Kong, and the es-  
9       tablishment of open and direct democratic elections  
10      for all members of the Hong Kong Legislative Coun-  
11      cil;

12          (6) to support the robust exercise by residents  
13      of Hong Kong of the rights to free speech, the press,  
14      and other fundamental freedoms, as provided by the  
15      Basic Law, the Joint Declaration, and the Inter-  
16      national Covenant on Civil and Political Rights;

17          (7) to support freedom from arbitrary or unlaw-  
18      ful arrest, detention, or imprisonment for all Hong  
19      Kong residents, as provided by the Basic Law, the  
20      Joint Declaration, and the International Covenant  
21      on Civil and Political Rights;

22          (8) to draw international attention to any viola-  
23      tions by the Government of the PRC of the funda-  
24      mental rights of the people of Hong Kong, as pro-  
25      vided by the International Covenant on Civil and Po-



1        litical Rights, and any encroachment upon the au-  
2        tonomy guaranteed to Hong Kong by the Basic Law  
3        and the Joint Declaration;

4            (9) to protect United States citizens and long-  
5        term permanent residents living in Hong Kong, as  
6        well as people visiting and transiting through Hong  
7        Kong;

8            (10) to maintain the economic and cultural ties  
9        that provide significant benefits to both the United  
10       States and Hong Kong, including the reinstatement  
11       of the Fulbright exchange program with regard to  
12       Hong Kong at the earliest opportunity;

13           (11) to coordinate with allies, including the  
14       United Kingdom, Australia, Canada, Japan, and the  
15       Republic of Korea, to promote democracy and  
16       human rights in Hong Kong; and

17           (12) to welcome and protect in the United  
18       States residents of Hong Kong fleeing persecution or  
19       otherwise seeking a safe haven from violations by  
20       the Government of the PRC of the fundamental  
21       rights of the people of Hong Kong.

22   **SEC. 5. TEMPORARY PROTECTED STATUS FOR HONG KONG**  
23   **RESIDENTS IN THE UNITED STATES.**

24        (a) DESIGNATION.—

1           (1) IN GENERAL.—For purposes of section 244  
2           of the Immigration and Nationality Act (8 U.S.C.  
3           1254a), Hong Kong shall be treated as if it had  
4           been designated under subsection (b)(1)(C) of that  
5           section, subject to the provisions of this section.

6           (2) PERIOD OF DESIGNATION.—The initial pe-  
7           riod of the designation referred to in paragraph (1)  
8           shall be for the 18-month period beginning on the  
9           date of enactment of this Act.

10          (b) ALIENS ELIGIBLE.—As a result of the designa-  
11         tion made under subsection (a), an alien is deemed to sat-  
12         isfy the requirements under paragraph (1) of section  
13         244(c) of the Immigration and Nationality Act (8 U.S.C.  
14         1254a(c)), subject to paragraph (3) of such section, if the  
15         alien—

16                 (1) was a permanent resident of Hong Kong at  
17                 the time such individual arrived into the United  
18                 States and is a national of the PRC (or in the case  
19                 of an individual having no nationality, is a person  
20                 who last habitually resided in Hong Kong);

21                 (2) has been continuously physically present in  
22                 the United States since the date of the enactment of  
23                 this Act;

24                 (3) is admissible as an immigrant, except as  
25                 otherwise provided in paragraph (2)(A) of such sec-

1       tion, and is not ineligible for temporary protected  
2       status under paragraph (2)(B) of such section; and  
3       (4) registers for temporary protected status in  
4       a manner established by the Secretary of Homeland  
5       Security.

6       (c) CONSENT TO TRAVEL ABROAD.—

7       (1) IN GENERAL.—The Secretary of Homeland  
8       Security shall give prior consent to travel abroad, in  
9       accordance with section 244(f)(3) of the Immigra-  
10      tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to  
11      an alien who is granted temporary protected status  
12      pursuant to the designation made under subsection  
13      (a) if the alien establishes to the satisfaction of the  
14      Secretary of Homeland Security that emergency and  
15      extenuating circumstances beyond the control of the  
16      alien require the alien to depart for a brief, tem-  
17      porary trip abroad.

18      (2) TREATMENT UPON RETURN.—An alien re-  
19      turning to the United States in accordance with an  
20      authorization described in paragraph (1) shall be  
21      treated as any other returning alien provided tem-  
22      porary protected status under section 244 of the Im-  
23      migration and Nationality Act (8 U.S.C. 1254a).

24      (d) FEE.—

1           (1) IN GENERAL.—In addition to any other fee  
2           authorized by law, the Secretary of Homeland Secu-  
3           rity is authorized to charge and collect a fee of \$360  
4           for each application for temporary protected status  
5           under section 244 of the Immigration and Nation-  
6           ality Act by a person who is only eligible for such  
7           status by reason of subsection (a).

8           (2) WAIVER.—The Secretary of Homeland Se-  
9           curity shall permit aliens to apply for a waiver of  
10          any fees associated with filing an application re-  
11          ferred to in paragraph (1).

12   **SEC. 6. TREATMENT OF HONG KONG RESIDENTS FOR IMMI-**  
13                           **GRATION PURPOSES.**

14          Notwithstanding any other provision of law, during  
15   the 5 fiscal year period beginning on the first day of the  
16   first full fiscal year after the date of enactment of this  
17   Act, Hong Kong shall continue to be considered a foreign  
18   state separate and apart from the PRC as mandated  
19   under section 103 of the Immigration and Nationality Act  
20   of 1990 (Public Law 101–649) for purposes of the numer-  
21   ical limitations on immigrant visas under sections 201,  
22   202, and 203 of the Immigration and Nationality Act (8  
23   U.S.C. 1151, 1152, and 1153).

1 **SEC. 7. VERIFICATION OF HONG KONG PRIORITY RESI-**  
2 **DENTS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of the enactment of this Act, the Secretary of State,  
5 in consultation with the Secretary of Homeland Security,  
6 shall publish in the Federal Register, an interim final rule  
7 establishing procedures for designation of Hong Kong Pri-  
8 ority Residents. Notwithstanding section 553 of title 5,  
9 United States Code, the rule shall be effective, on an in-  
10 terim basis, immediately upon publication, but may be  
11 subject to change and revision after public notice and op-  
12 portunity for comment. The Secretary of State shall final-  
13 ize such rule not later than 1 year after the date of the  
14 enactment of this Act. Such rule shall establish proce-  
15 dures—

16 (1) for individuals to register with any United  
17 States embassy or consulate outside of the United  
18 States, or with the Department of Homeland Secu-  
19 rity in the United States, and request designation as  
20 a Priority Hong Kong Resident; and

21 (2) for the appropriate Secretary to verify the  
22 residency of registered individuals and designate  
23 those who qualify as Priority Hong Kong Residents.

24 (b) DOCUMENTATION.—The procedures described in  
25 subsection (a) shall include the collection of—

26 (1) biometric data;

1           (2) copies of birth certificates, residency cards,  
2           and other documentation establishing residency; and  
3           (3) other personal information, data, and  
4           records deemed appropriate by the Secretary.

5           (c) GUIDANCE.—Not later than 90 days after the  
6           date of the enactment of this Act, the Secretary of State  
7           shall issue guidance outlining actions to enhance the abil-  
8           ity of the Secretary to efficiently send and receive informa-  
9           tion to and from the United Kingdom and other like-mind-  
10          ed allies and partners for purposes of rapid verification  
11          of permanent residency in Hong Kong and designation of  
12          individuals as Priority Hong Kong Residents.

13          (d) REPORT.—Not later than 90 days after the date  
14          of the enactment of this Act, the Secretary of State shall  
15          submit a report to the House Committees on Foreign Af-  
16          airs and the Judiciary and the Senate Committees on  
17          Foreign Relations and the Judiciary detailing plans to im-  
18          plement the requirements described in this subsection.

19          (e) PROTECTION FOR REFUGEES.—Nothing in this  
20          section shall be construed to prevent a Priority Hong  
21          Kong Resident from seeking refugee status under section  
22          207 of the Immigration and Nationality Act (8 U.S.C.  
23          1157) or requesting asylum under section 208 of such Act  
24          (8 U.S.C. 1158).

1 **SEC. 8. REPORTING REQUIREMENTS.**

2 (a) IN GENERAL.—On an annual basis, the Secretary  
3 of State and the Secretary of Homeland Security, in con-  
4 sultation with other Federal agencies, as appropriate, shall  
5 submit a report to the appropriate congressional commit-  
6 tees, detailing for the previous fiscal year—

7 (1) the number of Hong Kong SAR residents  
8 who have applied for U.S. visas or immigration ben-  
9 efits, disaggregated by visa type or immigration ben-  
10 efit, including asylum, refugee status, temporary  
11 protected status, and lawful permanent residence;

12 (2) the number of approvals, denials, or rejec-  
13 tions of applicants for visas or immigration benefits  
14 described in paragraph (1), disaggregated by visa  
15 type or immigration benefit and basis for denial;

16 (3) the number of pending refugee and asylum  
17 applications for Hong Kong SAR residents, and the  
18 length of time and reason for which such applica-  
19 tions have been pending; and

20 (4) other matters deemed relevant by the Secre-  
21 taries relating to efforts to protect and facilitate the  
22 resettlement of refugees and victims of persecution  
23 in Hong Kong.

24 (b) FORM.—Each report under subsection (a) shall  
25 be submitted in unclassified form and published on a text-

1 searchable, publicly available website of the Department  
2 of State and the Department of Homeland Security.

3 **SEC. 9. STRATEGY FOR INTERNATIONAL COOPERATION ON**  
4 **HONG KONG.**

5 (a) IN GENERAL.—It is the policy of the United  
6 States—

7 (1) to support the people of Hong Kong by pro-  
8 viding safe haven to Hong Kong SAR residents who  
9 are nationals of the PRC following the enactment of  
10 the Hong Kong National Security Law that places  
11 certain Hong Kong persons at risk of persecution;  
12 and

13 (2) to encourage like-minded nations to make  
14 similar accommodations for Hong Kong people flee-  
15 ing persecution by the Government of the PRC.

16 (b) PLAN.—The Secretary of State, in consultation  
17 with the heads of other Federal agencies, as appropriate,  
18 shall develop a plan to engage with other nations, includ-  
19 ing the United Kingdom, on cooperative efforts to—

20 (1) provide refugee and asylum protections for  
21 victims of, and individuals with a fear of, persecu-  
22 tion in Hong Kong, either by Hong Kong authorities  
23 or other authorities acting on behalf of the PRC;



1           (2) enhance protocols to facilitate the resettlement of refugees and displaced persons from Hong Kong;

2           (3) identify and prevent the exploitation of immigration and visa policies and procedures by corrupt officials; and

3           (4) expedite the sharing of information, as appropriate, related to the refusal of individual applications for visas or other travel documents submitted by residents of the Hong Kong SAR based on—

4           (A) national security or related grounds under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)); or

5           (B) fraud or misrepresentation under section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)).

6           (c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal agencies, as appropriate, shall submit a report on the plan described in subsection (b) to the appropriate congressional committees.

1   **SEC. 10. REFUGEE STATUS FOR CERTAIN RESIDENTS OF**  
2                   **HONG KONG.**

3           (a) IN GENERAL.—Aliens described in subsection (b)  
4 may establish, for purposes of admission as a refugee  
5 under sections 207 of the Immigration and Nationality  
6 Act (8 U.S.C. 1157) or asylum under section 208 of such  
7 Act (8 U.S.C. 1158), that such alien has a well-founded  
8 fear of persecution on account of race, religion, nation-  
9 ality, membership in a particular social group, or political  
10 opinion by asserting such a fear and a credible basis for  
11 concern about the possibility of such persecution.

12          (b) ALIENS DESCRIBED.—

13               (1) IN GENERAL.—An alien is described in this  
14 subsection if such alien—

15                   (A) is a Priority Hong Kong Resident  
16 and—

17                               (i) had a significant role in a civil so-  
18 ciety organization supportive of the pro-  
19 tests in 2019 and 2020 related to the  
20 Hong Kong National Security Law and the  
21 encroachment on the autonomy of Hong  
22 Kong by the PRC;

23                               (ii) was arrested, charged, detained,  
24 or convicted of an offense arising from  
25 their participation in an action as de-  
26 scribed in section 206(b)(2) of the United

1 States-Hong Kong Policy Act of 1992 (22  
2 U.S.C. 5726(b)(2)) that was not violent in  
3 nature; or

4 (iii) has had their citizenship, nation-  
5 ality, or residency revoked for having sub-  
6 mitted to any United States Government  
7 agency a nonfrivolous application for ref-  
8 ugee status, asylum, or any other immigra-  
9 tion benefit under the immigration laws  
10 (as defined in section 101(a) of that Act (8  
11 U.S.C. 1101(a)));

12 (B) is a Priority Hong Kong Resident  
13 spouse or child of an alien described in sub-  
14 paragraph (A); or

15 (C) is the parent of an alien described in  
16 subparagraph (A), if such parent is a citizen of  
17 the PRC and no other foreign state.

18 (2) OTHER CATEGORIES.—The Secretary of  
19 Homeland Security, in consultation with the Sec-  
20 retary of State, may designate other categories of  
21 aliens for purposes of establishing a well-founded  
22 fear of persecution under subsection (a) if such  
23 aliens share common characteristics that identify  
24 them as targets of persecution in the PRC on ac-

1 count of race, religion, nationality, membership in a  
2 particular social group, or political opinion.

3 (3) SIGNIFICANT ROLE.—For purposes of  
4 clause (i) of subsection (b)(1)(A), a significant role  
5 shall include, with respect to the protests described  
6 in such clause—

7 (A) an organizing role;

8 (B) a first aid responder;

9 (C) a journalist or member of the media  
10 covering or offering public commentary;

11 (D) a provider of legal services to one or  
12 more individuals arrested for participating in  
13 such protests; or

14 (E) a participant who during the period  
15 beginning on June 9, 2019, and ending on June  
16 30, 2020, was arrested, charged, detained, or  
17 convicted as a result of such participation.

18 (c) AGE OUT PROTECTIONS.—For purposes of this  
19 section, a determination of whether an alien is a child shall  
20 be made using the age of the alien on the date an applica-  
21 tion for refugee or asylum status, in which the alien is  
22 a named beneficiary, is filed with the Secretary of Home-  
23 land Security.

24 (d) EXCLUSION FROM NUMERICAL LIMITATIONS.—  
25 Aliens provided refugee status under this section shall not

1 be counted against the numerical limitation on refugees  
2 established in accordance with the procedures described in  
3 section 207 of the Immigration and Nationality Act (8  
4 U.S.C. 1157).

5 (e) REPORTING REQUIREMENTS.—

6 (1) IN GENERAL.—Not later than 90 days after  
7 the date of the enactment of this Act, and every 90  
8 days thereafter, the Secretary of State and the Sec-  
9 retary of Homeland Security shall submit a report  
10 on the matters described in paragraph (2) to—

11 (A) the Committee on the Judiciary and  
12 the Committee on Foreign Relations of the Sen-  
13 ate; and

14 (B) the Committee on the Judiciary and  
15 the Committee on Foreign Affairs of the House  
16 of Representatives.

17 (2) MATTERS TO BE INCLUDED.—Each report  
18 required by paragraph (1) shall include, with respect  
19 to applications submitted under this section—

20 (A) the total number of refugee and asy-  
21 lum applications that are pending at the end of  
22 the reporting period;

23 (B) the average wait-times for all appli-  
24 cants for refugee status or asylum pending—

1 (i) a prescreening interview with a re-  
2 settlement support center;

3 (ii) an interview with U.S. Citizenship  
4 and Immigration Services; and

5 (iii) the completion of security checks;

6 (C) the number of approvals, referrals in-  
7 cluding the source of the referral, denials of ap-  
8 plications for refugee status or asylum,  
9 disaggregated by the reason for each such de-  
10 nial; and

11 (D) the number of refugee circuit rides to  
12 interview populations that would include Hong  
13 Kong SAR completed in the last 90 days, and  
14 the number planned for the subsequent 90-day  
15 period.

16 (3) FORM.—Each report required by paragraph  
17 (1) shall be submitted in unclassified form, but may  
18 include a classified annex.

19 (4) PUBLIC REPORTS.—The Secretary of State  
20 shall make each report submitted under this sub-  
21 section available to the public on the internet website  
22 of the Department of State.

1   **SEC. 11. ADMISSION FOR CERTAIN HIGHLY SKILLED HONG**  
2                   **KONG RESIDENTS.**

3           (a) IN GENERAL.—Subject to subsection (c), the Sec-  
4   retary of Homeland Security, or, notwithstanding any  
5   other provision of law, the Secretary of State in consulta-  
6   tion with the Secretary of Homeland Security, may pro-  
7   vide an alien described in subsection (b) with the status  
8   of a special immigrant under section 101(a)(27) of the Im-  
9   migration and Nationality Act (8 U.S.C. 1101(a)(27)), if  
10  the alien—

11           (1) or an agent acting on behalf of the alien,  
12   submits a petition for classification under section  
13   203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

14           (2) is otherwise eligible to receive an immigrant  
15   visa;

16           (3) is otherwise admissible to the United States  
17   for permanent residence (excluding the grounds for  
18   inadmissibility specified in section 212(a)(4) of such  
19   Act (8 U.S.C. (a)(4)); and

20           (4) clears a background check and appropriate  
21   screening, as determined by the Secretary of Home-  
22   land Security.

23   (b) ALIENS DESCRIBED.—

24           (1) PRINCIPAL ALIENS.—An alien is described  
25   in this subsection if—

26           (A) the alien—

1 (i) is a Hong Kong Priority Resident;

2 and

3 (ii) has earned a bachelor's or higher

4 degree from an institution of higher edu-

5 cation; and

6 (B) the Secretary of Homeland Security

7 determines that such alien's relocation to the

8 United States would provide a significant ben-

9 efit to the United States

10 (2) SPOUSES AND CHILDREN.—An alien is de-

11 scribed in this subsection if the alien is the spouse

12 or child of a principal alien described in paragraph

13 (1).

14 (c) NUMERICAL LIMITATIONS.—

15 (1) IN GENERAL.—The total number of prin-

16 cipal aliens who may be provided special immigrant

17 status under this section may not exceed 5,000 per

18 year for each of the 5 fiscal years beginning after

19 the date of the enactment of this Act. The Secretary

20 of Homeland Security may, in consultation with the

21 Secretary of State, prioritize the issuance of visas to

22 individuals with a bachelor's or higher degree in

23 science, technology, engineering, mathematics, medi-

24 cine, health care, or medicine.



1           (2) EXCLUSION FROM NUMERICAL LIMITA-  
2           TIONS.—Aliens provided immigrant status under  
3           this section shall not be counted against any numer-  
4           ical limitation under section 201, 202, 203, or 207  
5           of the Immigration and Nationality Act (8 U.S.C.  
6           1151, , 1153, and 1157).

7           (d) ELIGIBILITY FOR ADMISSION UNDER OTHER  
8           CLASSIFICATION.—No alien shall be denied the oppor-  
9           tunity to apply for admission under this section solely be-  
10          cause such alien qualifies as an immediate relative or is  
11          eligible for any other immigrant classification.

12          (e) TIMELINE FOR PROCESSING APPLICATIONS.—

13           (1) IN GENERAL.—The Secretary of State and  
14           the Secretary of Homeland Security shall ensure  
15           that all steps under the control of the United States  
16           Government incidental to the approval of such appli-  
17           cations, including required screenings and back-  
18           ground checks, are completed not later than 2 years  
19           after the date on which an eligible applicant submits  
20           an application under subsection (a).

21           (2) EXCEPTION.—Notwithstanding paragraph  
22           (1), the relevant Federal agencies may take addi-  
23           tional time to process applications described in para-  
24           graph (1) if satisfaction of national security con-  
25           cerns requires such additional time, provided that

1       the Secretary of Homeland Security, or the designee  
2       of the Secretary, has determined that the applicant  
3       meets the requirements for status as a special immi-  
4       grant under this section and has so notified the ap-  
5       plicant.

6   **SEC. 12. TERMINATION.**

7       Except as provided in section 6 of this Act, this Act  
8       shall cease to have effect on the date that is 5 years after  
9       the date of the enactment of this Act.